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ELECTION OF SENATORS BY THE PEOPLE.

TRUSTS.

"Let us tear down the intermediary wall and take from the legislatures the selection of United States Senators and we will destroy one of the most potent powers through which corporate power now holds its sway, and it can then be no longer said that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the kingdom of heaven."

SPEECHES

OF

HON. THEODORE F. KLUTTZ,

OF NORTH CAROLINA,

IN THE

HOUSE OF REPRESENTATIVES,

Thursday, April 12, and Friday, June 1, 1900.

WASHINGTON.

1900.

M. W. R.



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Election of United States Senators by the People.

SPEECH
OF
HON. THEODORE F. KLUTTZ,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,

April 12, 1900.

The House having under consideration H. J. Resolution No. 28, proposing an amendment to the Constitution of the United States providing for the election of Senators by the people—

Mr. KLUTTZ said:

Mr. SPEAKER: I am glad that we have enough of the Constitution left for purposes of amendment; and as we have kept the remains of that venerated instrument so resolutely at home, it behooves us to amend it as resolutely for the best interests of our own home people. I am an old-fashioned believer in the Constitution.

While it remains the supreme law of the land it should be obeyed, and those of us who have sworn to observe it should be careful in all things to conform both to its letter and spirit. Unfortunately, both have been grievously violated in the election of Senators of the United States, and the time has long since come when its provisions in that behalf have demonstrably shown the need of amendment. [Applause.]

Our fathers, honest themselves, too implicitly believed that their descendants would always remain so.

The honest people of a State, electing supposedly honest members of their State legislatures, likewise mistakenly believe, as is too often proven, that they will remain honest after election.

The most superficial perusal of the records of Congress for many years, including the present session down to this very date, demonstrates that if wise at the time of its adoption, the method of electing United States Senators by the legislatures of the several States has long since become an evil which cries aloud for amendment. [Applause.]

The people of this country, in tones not to be mistaken, demand that they be allowed to elect Senators by their own direct vote, and the legislatures of the great States of Ohio, Pennsylvania, Montana, Arkansas, California, Colorado, Florida, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Utah, Washington, Wisconsin, Wyoming, and others, thirty-four in all, have voiced this demand in petitions and memorials to Congress and in resolutions of instructions to their representatives here.

In the light of recent scandalous events, the petitions from some of these States are absolutely pathetic. If the people could have directly elected Senators, the obloquy which in the popular esti-

mation—and too justly so—beclouds the title to many seats in that august body could never have had foundation.

The report of the majority of the committee shows that under the present system several vacancies now exist, due to the corrupt manipulations of State legislatures by wealthy aspirants for Senatorial honors. Very recent exposures made by committees of the Senate are such as to emphasize the absolute need for speedy amendment to the Constitution in this regard.

It is enough for me that the people demand it, that all the people demand it, for “everybody is wiser than anybody,” even if “anybody” happens to be the Senate of the United States. [Applause.] I quote these axiomatic truths from the committee’s report:

The fundamental principle of a republican form of government is based upon the idea that it derives its just powers from the consent of the governed.

Again:

If the people have the wisdom to elect governors and State officers, our State judiciary (and Representative in Congress), why may they not be permitted to enjoy the right of electing United States Senators?

What divinity doth hedge about these august Senators that the common people may only vote for them indirectly and by proxy?

Let us tear down the intermediary wall and take from the legislatures the selection of United States Senators, and we will destroy one of the most potent powers (to quote again the language of the committee) through which corporate influence now holds its sway, and it can then no longer be said that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the Kingdom of Heaven.

There are many honorable men in the Senate, and therefore I shall make no application of the story of the old darkey preacher, who, before beginning his sermon, raised a large rock aloft with the startling announcement, “Thar is a nigger in this congregation what’s been stealing chickens last night, and I’m gwine to heave this here rock at his head,” when every male head before him at once ducked behind a bench. [Laughter and applause.]

I will not say that a somewhat similar announcement, varied only to suit the environment, would be followed by similar action in the Senate.

Mr. Speaker, in supporting this proposition I am not merely giving expression to my individual views, but I am speaking for the whole people of North Carolina, as I believe, without regard to party.

I am but obeying a resolution of instructions from the legislature of my State, which was passed unanimously, as I recollect, without party distinction or division, and I am but trying to give effect to one of the planks to the Democratic platform of my State.

Neither of the propositions before the House is exactly what I could wish, but I am so heartily in favor of the general proposition that I shall heartily support the substitute offered on behalf of the minority by the distinguished gentleman from Missouri [Mr. RUCKER], amended to accord with the suggestions of the gentleman from Vermont [Mr. POWERS].

I am reminded of the homely wisdom of a young fellow in my district, who, on his first venture at courting, was discarded, or, as we say in North Carolina, was “kicked.” Of course he was awfully surprised, for every young fellow thinks that any girl ought to be glad to get him and can not understand why he should be rejected. So, stunned and smarting, he insisted upon

knowing why she would not have him. Finally she said, "Johnny, it's because I love somebody else better." "Oh, yes, Sally," said he, "so do I, but we can't get them, you know." [Laughter.]

That young man had very nearly sounded the depths of the safer philosophy of life; and it is generally wise to do the best we can under any given circumstances.

Acting upon this principle, I shall support the substitute of the minority, amended to meet the views of gentlemen, amended in any and every minor detail, so only that it maintains and holds out to the American people a genuine, general, and feasible plan of electing Senators by a direct vote without intermediary. I have hope, sir, that the quickened conscience of the Senate will join us in submitting such an amendment to the Constitution, and if submitted to the legislatures of the several States its adoption is as certain as the rising of the morrow's sun. [Applause.]

I now yield five minutes to the gentleman from Louisiana [Mr. BREAZEALE].

Trusts.

SPEECH

OF

HON. THEODORE F. KLUTTZ,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 1, 1900.

The House having under consideration the joint resolution (H. J. Res. 133) proposing an amendment to the Constitution of the United States for the regulation of trusts—

Mr. KLUTTZ said:

Mr. SPEAKER: I regard the proposal of this amendment by the majority at this time as one of the most remarkable of all the phenomena of legislation.

For six long months the Republican majority, with absolute control of this House, with a stalwart in the chair, with carefully constituted committees, with iron-clad rules, has sat here stolid, indifferent alike to appeal and abuse; deaf to the remonstrances of the minority and to the demands of the people for legislation for the extirpation, or at least the repression, of trusts.

Deaf, dumb, and blind for six long months, that majority, in the very closing hours of the session, just six days before the time fixed for adjournment, has at last awakened to the fact that the demands of an outraged and indignant public must, in show at least, be heard. The smittings of guilty conscience, the realization that something must be done, coupled with the fear that something might be done to curb the trusts, has found hypocritical and fraudulent expression in both the matter and the manner of this proposed constitutional amendment.

Let me quote it in full:

ARTICLE XVI.

SECTION 1. All powers conferred by this article shall extend to the several States and Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States

SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation.

Section 1 seeks to write into the Constitution the false and imperialistic theory which in the recent Porto Rican discussion was so ably combated not only by the Democratic minority, but also by such able lawyers on the Republican side as MCCALL, LITTLEFIELD, CRUMPACKER, SMITH, LORIMER, and others, that the Constitution does not *ex proprio vigore* extend over all territory under the sovereignty and subject to the jurisdiction of the United States.

No constitutional amendment has ever contained such language or admission, and none ever will so long as the American people are mindful of the teachings of the fathers and the traditions of liberty. To enact this section into law would be to admit that territory may be acquired, held, and governed by the United States outside of and without regard to the Constitution unless that instrument shall be expressly extended to such territory by Congress or by constitutional amendment. It would admit all the claims of the imperialists and make the President imperator indeed.

Even a cursory reading of section 2 will expose its true character and intent. It strikes down the power of the States, does away with the last fragment of the doctrine of States' rights, and lodges in Congress the sole power—

to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

Mark the language! If this amendment be adopted, the Congress has this awful, exclusive, controlling power, and has it absolutely. With a Congress controlled and dominated by the trusts, as this Congress is, can any sensible man doubt how that power would be exercised? Corrupt combinations of capital for the oppression of labor would go unscathed, while combinations of labor for protection against such corrupt combinations would be "defined" as unlawful with a vengeance.

The tobacco trust would have nothing to fear, while the tobacco growers and manufacturers who dared combine to resent its rapacity would soon find themselves "defined" into the penitentiary. But why multiply illustrations?

Under this amendment the trusts would need but to buy and control one house of Congress to effectually prevent any legislation whatever against them.

And how transparently deceitful and fraudulent is the second paragraph of this section:

The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

The merest tyro in the law can not be deceived by false pretense like this.

Congress will have the power not only to regulate the interstate operations of the trusts—and it has this power now—but it will have the right to invade the States and to "define" and crush any corporation or combination in any State, whether engaged in interstate or foreign commerce or not, regardless of the laws of such State.

When Congress legislates it makes "the laws of the United States," and under this amendment no State may make any law

in conflict therewith. Thus supreme power is sought to be conferred upon Congress and the States stripped of all power over their own corporations or those of other States doing business within their borders. Trust-ridden, trust-controlled, trust-supported, trust-loving, as the Republican party is, do you expect any sane man to believe that you intend, expect, or desire this amendment to become a part of the organic law of the land?

Delude not yourselves thus. If you had intended or desired to secure its passage, why did you hold this amendment back to the closing days of the session? Why did you refuse the Democratic minority of the committee the poor privilege of even seeing it until it was ready for introduction into the House? Why did you bring it in under a cast-iron rule, which permitted no opportunity of amendment and which allowed time for only the most meager discussion? Why did you, purposely, so objectionably frame it as to render its acceptance by the Democratic minority impossible?

The poor explanation of the distinguished gentleman from Ohio [Mr. GROSVENOR] that it is the plan of the majority, that the majority must take the responsibility, and that therefore the minority must have no voice in framing it, but be content to vote for or against it without power of amendment, is so weak as to demonstrate the absence of all possible excuse or explanation for this remarkable course of the majority.

True, the majority must take the responsibility for legislation, but here a two-thirds majority is required. You have no such majority, and can therefore have no hope of passing this amendment without large help from the minority; yet you deny that minority all help in framing or considering it, and deliberately frame it so as to render their support impossible.

Out upon such humbug.

Then, again, you can not but know that even if the gantlet of this House was run, your amendment could not possibly pass the Senate at this session, and would hang up for service in the next Presidential election; after which, if you again succeed in deluding the people and buying the Presidency, you could easily have it defeated in the Senate, and the farce would be over. Besides, you might use it as a threat to fry more fat out of the trusts. You know, too, and the country knows, that even if this amendment should pass both House and Senate, there can be no hope of its ratification by three-fourths of all the States, without which it can never become a part of the Constitution.

Unless I am greatly mistaken in the temper and patriotism of this House, your proposed measure will be ignominiously defeated here and that defeat will have the approval of the people of this great Republic.

You are indulging in a cheap "play to the grandstand," but, ostrich-like, you are befooling only yourselves. As evidence of this I call attention to but two of the many unmistakable utterances of the press on this question.

First, I commend this extract from the Washington Post, a great independent paper, which supports the Administration whenever it can do so without stultification.

DEMOCRATIC POSITION ON TRUSTS.

Our Democratic friends in Congress are to be congratulated upon the attitude they have assumed toward the constitutional amendment proposed by the House Committee on the Judiciary, of which Hon. GEORGE W. RAY, of New York, is the chairman. Mr. RAY's proposition is obviously impracticable, and, as many believe, was intended to be so. By supporting it the

Democrats would have deliberately connived at a virtually permanent retirement of the trust issue; withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war. They express their utter disbelief in the sincerity of any representative Republican effort to curtail the power of the trusts. It would have been, therefore, suicidal on their part to commit themselves to an arrangement most palpably calculated to serve the alleged purposes of their antagonists.

There was still another serious objection, which is set fourth in clause 3 of the resolution adopted by the Democratic caucus on Tuesday night:

"3. We oppose and urge Democrats in Congress to vote against the constitutional amendment proposed by the Republican majority of the Judiciary Committee unless amended by striking out section 1 thereof and adding thereto in section 2, in lieu of these words, 'The several States may continue to exercise such power in any manner not in conflict with the laws of the United States,' the following: 'Nothing in this article, nor any act of Congress in pursuance thereof, shall operate to abridge or impair any of the rights or powers held by any of the States prior to its adoption.'"

It seems to be the case, therefore, that the Democrats regarded the Ray proposition not only as a scheme to postpone, perhaps indefinitely, all governmental action against the trusts, and incidentally to entrap the Democrats into withdrawing the issue of the campaign of 1900, but also, in case the amendment should be finally adopted, as an abridgment of the rights and powers of the States. Certainly, holding such opinions, they could not have taken any course other than that referred to. Their present position, in this matter at least, seems to be unassailable.

I further beg to commend to your prayerful consideration the following from the Washington Times, and particularly to the extract therein contained from the rabid, radical Administration organ, the New York Sun:

THE SIXTEENTH AMENDMENT.

The agents of the Administration in the House of Representatives will be welcome to whatever satisfaction is coming to them on account of their cheap political trick in taking up a proposed constitutional amendment ostensibly aimed at their masters, the trusts, six days before the date set for adjournment.

Some of the majority leaders in the House are hugging themselves over the achievement, believing it to be a monster of ingenuity which will "put the Democrats in a hole;" but it will do nothing of the kind. Its hypocrisy is so barefaced and its object so clear that it will serve to bring the richly deserved contempt of the country upon its authors and supporters. This view of the matter is held by eminent Republican as well as Democratic authorities. The leading organ of the party in the country, the New York Sun, yesterday editorially referred to the Jenkins joint resolution in these terms:

"When we say plainly that this is the most dishonest and therefore the most discreditable piece of work achieved during the present session by the leaders of Republican policy in the House, we are not speaking of the merits of the proposed amendment. Its revolutionary character, the sweeping change it would effect in the entire system of our institutions, the bestowal upon Congress of an unlimited and arbitrary power over all private business in all the States and without regard to State lines or State rights, need not even be discussed. There is no more prospect of its adoption by a two-thirds vote of both House and Senate, and of its ratification by the legislatures of three-fourths of the forty-five States than there is of the adoption of a constitutional amendment vesting in the Federal Government the direct management of all the myriad industries of this land.

"The dishonesty of the performance lies in the fact that there was no expectation on the part of the author of this resolution, or of the Republicans on the Judiciary Committee who favorably reported it, or of the Republicans in the House who were willing to vote for it, that the proposed sixteenth amendment will ever amount to more than a campaign trick of the cheapest and unworthiest description."

When one of its chiefest exponents denounces its actions, as the Sun does, the Republican party need not indulge in any celebration over its blank-cartridge shot at the monopolistic elements which own and control it and furnish the money with which it expects to carry the next Presidential election. A more doddering piece of campaign idiocy than the sixteenth pre-tendment proposed against the trusts, by the men who are in Congress only by the grace and money of the trusts, is not to be found in all the pages of a not overclean American political history.

No, gentlemen of the majority, your little piece of peanut politics will only bring down upon you the deserved contempt of



an outraged and long-suffering people. They know that your party is, and has been, the promoter, the friend, the shield and buckler of the trusts. They know that your Attorney-General, purposely selected, with ample power in the laws already on the statute book, has utterly failed to proceed against or prosecute a single one of the trusts. They know that it was with the money contributed by the trusts that you debauched election officers, bribed and intimidated voters, bought States, and stole the Presidency and the Congress; and they know you are playing to do it again.

They have suffered under the insolence and arrogance, the heartlessness and grinding cruelty of these corrupt and criminal aggregations of ill-gotten capital; they have traced the evil to its source, and know whence comes this brood of hell. They wage no war on capital as such: they welcome and would foster productive industry and enterprise, but they have determined in their righteous wrath that the trust must go. They have listened to their sorrow to the siren song of Republican promise, and they know that the only hope of relief from the domination of the trusts, the only hope of the salvation of the plain people of this country from industrial slavery, lies in the rout and defeat of the Republican party and the election of a Democratic President and Congress.

Well may you trim and dissemble; well may you try to deceive yet once again, by feigning to legislate against your makers and masters. The people are aroused to the importance of this mighty contest, and though the odds are great, right will prevail against might, truth against falsehood, the people against the trusts.

Nor is this the only count in the mighty indictment which you will have to answer at the ballot box in November.

Your frequent and flagrant infractions of the Constitution, your disregard of solemn promises to the Porto Ricans; your murder of our brave soldiers in the Philippines by incompetent generalship; your determination to crush out liberty in these islands; your anglomania, which has committed you to the obsolete Hay-Pauncefote treaty and renounced our right to build, fortify, and protect an American isthmian canal; your utter denial of even an expression of American sympathy for the suffering South African Republics; the reign of loot and plunder in which your officials have reveled in Cuba and the Philippines; your ill-smelling scandal of Gage and the City National Bank; your absolute refusal to lighten any part of the burdens of the war taxes; all these, and many others of like ilk, are the sins for which you will be called to answer at the bar of enlightened and outraged public opinion. Your record is such as no party can successfully face. If your eyes were not holden, you would even now see, what all the world sees, the handwriting on the wall, the "Mene, mene, tekel, upharsin" of the Republican party.

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